

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

WILLIAM M. MCGINNIS,	)	
	)	
Plaintiff,	)	8:04CV509
	)	
vs.	)	ORDER
	)	
UNION PACIFIC RAILROAD COMPANY,	)	
	)	
Defendant.	)	

This matter is before the court on the defendant's Motion to Withdraw and Substitute Brief and Exhibit (Filing No. 81) and Motion to Withdraw and Substitute Exhibit (Filing No. 82). The defendant seeks to withdraw the previously filed brief and Exhibit 1(A) in support of its motion for summary judgment because the filings contain material which should have been redacted. **See** 5 U.S.C. §§ 3701 to 3707; NECivR 5.3(a). Additionally, the defendant seeks to substitute earlier filed, but incomplete exhibits (Exhibits 26 and 27), in support of its motion for summary judgment. The defendant attached to the motions a redacted copy of each the brief and the Exhibit 1(A) and complete copies of Exhibits 26 and 27. Upon consideration,

**IT IS ORDERED:**

1. The defendant's Motion to Withdraw and Substitute Brief and Exhibit (Filing No. 81) is granted. The court will consider the redacted brief and exhibit filed *instanter*.
2. The Clerk of Court shall seal the brief (Filing No. 79) and Exhibit 1(A) (Filing No. 80, part 3) in accordance with NECivR 5.3(c).
3. The defendant's Motion to Withdraw and Substitute Exhibit (Filing No. 82) is granted such that Exhibits 26 and 27 (Filing No. 80, part 8) are stricken and the amended Exhibits 26 and 27 are considered filed *instanter*.

DATED this 3rd day of May, 2006.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge